

Title	<i>Memorandum of Garnishee</i> (revise form AT-167/EJ-152)
Summary	<i>Memorandum of Garnishee</i> (form AT-167/EJ-152) would be revised to include additional information about the garnishee and the judgment debtor.
Source	Civil and Small Claims Advisory Committee
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>The <i>Memorandum of Garnishee</i> form was adopted in 1983 and has not been modified since that time. Several matters need clarification including the names of the garnishee and the judgment debtor. Also, the form should be revised to be comparable with the current format for Judicial Council forms.</p> <p>Specifically, the 1983 form would be revised in order to:</p> <ul style="list-style-type: none"> • Modernize the caption; • Delete the recorder's box, which is unnecessary since this form is not recorded; • Add the names of the garnishee and the judgment debtor in order to avoid any confusion where an action may involve multiple garnishees or debtors; and • Clarify in the signature line that the declaration is signed by the garnishee. <p>A copy of the revised form is attached.</p>
	Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number and Address</i>): TELEPHONE NO.: _____ FAX NO. (<i>optional</i>): _____ E-MAIL ADDRESS (<i>optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	LEVYING OFFICER (<i>Name and Address</i>): <div style="text-align: center; font-size: 2em; font-weight: bold;">DRAFT 2 4/14/03</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	LEVYING OFFICER FILE NO.:
<div style="text-align: center;"> MEMORANDUM OF GARNISHEE (Attachment—Enforcement of Judgment) </div>	COURT CASE NO.:

NOTICE TO PERSON SERVED WITH WRIT AND NOTICE OF LEVY OR NOTICE OF ATTACHMENT: This memorandum must be completed and mailed or delivered to the levying officer within 10 days after service on you of the writ and notice of levy or attachment unless you have fully complied with the levy. Failure to complete and return this memorandum may render you liable for the costs and attorney fees incurred in obtaining the required information.

— RETURN ALL COPIES OF THIS MEMORANDUM TO THE LEVYING OFFICER —

This memorandum does *not* apply to garnishment of earnings.

1. a. Garnishee (*name*):

 b. Address:

2. Judgment debtor (*name*):

3. If you will not deliver to the levying officer any property levied upon, describe the property and the reason for not delivering it:

4. **For writ of execution only.** Describe any property of the judgment debtor not levied upon that is in your possession or under your control:

5. If you owe money to the judgment debtor that you will not pay to the levying officer, describe the amount and terms of the obligation and the reason for not paying it to the levying officer:

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6. Describe the amount and terms of any obligation owed to the judgment debtor that is levied upon but is not yet due and payable:

7. **For writ of execution only.** Describe the amount and terms of any obligation owed to the judgment debtor that is not levied upon:

8. Describe any claims and rights of other persons to the property or obligation levied upon that are known to you and the names and addresses of the other persons:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME OF GARNISHEE)



(SIGNATURE OF GARNISHEE)

If you need more space to provide the information required by this memorandum, you may add additional attachments.

Total number of pages attached: